

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ASSOCIATION FOR EQUAL ACCESS, and)	
JAMES RUTHERFORD)	
)	
Plaintiffs,)	Case No. 15 C 718
)	
vs.)	Judge Jorge L. Alonso
)	
JESUS ROSALES FAMILY CORPORATION)	Magistrate Judge Michael T. Mason
d/b/a TORTAS LOCAS, BRIARWOOD)	
PLAZA SHOPPING CENTER,)	
JESUS ROSALES, and IN DO KIM,)	
)	
)	
Defendants.)	

JUDGMENT ORDER

This Court, having subject matter jurisdiction over this action under 42 U.S.C. §12188(a)(1), and having carefully considered the motion by Plaintiffs, Association for Equal Access and James Rutherford, for default judgment against Defendants, Briarwood Plaza Shopping Center (“Briarwood Plaza”), located at 1801-1843 W. Algonquin Rd., Mount Prospect, Illinois, Jesus Rosales Family Corporation d/b/a Tortas Locas (“Tortas Locas”), located within Briarwood Plaza at 1827 W. Algonquin Rd., Mount Prospect, Illinois (Briarwood Plaza and Torta Locas collectively known as the “Facilities”), In Do Kim, as owner of Briarwood Plaza, and landlord of the property where Tortas Locas is located, and Jesus Rosales, as owner of Tortas Locas (the four Defendants collectively known as “Defendants”), and for an order granting corresponding relief requested in the Plaintiffs’ Complaint and Motion for Default Judgment, and having carefully considered all arguments of the parties regarding the Motion, and there appearing good cause for granting the relief requested, the Motion is GRANTED, default judgment for Plaintiffs, and against Defendants, is GRANTED and shall be promptly

entered on the claims for relief enumerated in Plaintiffs' Motion for Default Judgment, and it is hereby ORDERED:

A. Injunctive Relief:

Having violated the design and construction requirements of the ADA, and denied Plaintiffs full and equal enjoyment under the same, Defendants are required, within 90 days of the entry of this Order, to remove those architectural barriers in accordance with ADA § 308(a)(1), and to take whatever measures are necessary to provide Plaintiffs "full and equal enjoyment" of the Facilities, which include:

(1) Modifying the parking lot of the Facilities to include handicapped accessible signage in the parking lot spaces, in compliance with Section 4.6.4 of the 1991 ADA Accessibility Guidelines ("1991 Standards") and the corresponding section of the 2010 ADA Accessibility Guidelines ("2010 Standards"). 28 CFR Part 36, App. A, § 4.6.4. 36 CFR Part 1191, App. B & D; 28 CFR 36, subpart D.

(2) Modifying the Facility of Tortas Locas so that the entrance door to the men's restroom has a handle, which does not require tight grasping, tight pinching, or twisting of the wrist to operate, in compliance with of Section 4.13.9 of the 1991 Standards and the corresponding section of the 2010 Standards. 28 CFR §36, App. A, § 4.13.9; 36 CFR Part 1191, App. B & D; 28 CFR 36, subpart D.

(3) Modifying the Facility of Tortas Locas so that the centerline of the water closet in the men's restroom is 18 inches to the nearest wall in compliance with section 4.16.2 (Fig. 28) of the 1991 Standards and the corresponding section of the 2010 Standards. 28 CFR § 36, App. A, § 4.16.2 (Fig. 28); 36 CFR Part 1191, App. B & D; 28 CFR 36, subpart D.

(4) Modifying the Facility of Tortas Locas so that the raised platform area

encompassing much of the restaurant is accessible to patrons with mobility disabilities as patrons can only access that area by climbing several steps as there is no ramp available, in compliance with Sections 4.3.1, 4.3.2, 4.3.8, 4.3.10, and 4.5.2 of the 1991 Standards and the corresponding sections of the 2010 Standards. 28 CFR § 36, App. A, §§ 4.3.1, 4.3.2, 4.3.2, and 4.3.10; 36 CFR Part 1191, App. B & D; 28 CFR 36, subpart D.

B. Attorneys' Fees and Costs

Award Plaintiffs Attorneys' Fees and Costs. A hearing on Plaintiffs' Petition for Attorney's Fees and Costs is set for 11/12/15 at 9:30 a.m. Counsel for Plaintiffs will submit a petition for attorneys' fees and costs to this Court once this Order on Motion for Default Judgment is entered against the Defendants and it is determined that Plaintiffs are the "prevailing party" in accordance with the Northern District of Illinois Local Rules and Title III of the ADA. 28 C.F.R § 36.505.

SO ORDERED

10/29/15



Jorge L. Alonso
United States District Court Judge